

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) MATTICE/CARTER
)
v.) CASE NO. 1:09-CR-103
)
KENNETH SMITH)

O R D E R

On November 20, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Kenneth Smith's ("Defendant") plea of guilty to Count One of the Indictment in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 50). Neither party filed an objection within the given ten days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to Count One of the Indictment, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;
- (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment;
- (3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing **Monday,**

February 22, 2010, at 9:00 am.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE